

ORDINANCE NO. 98 - 27

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 13, ARTICLE II OF THE PALM BEACH COUNTY CODE (ORDINANCE NO. 96-16), PROVIDING FOR THE ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY WITH AN INTERIM SECONDARY SERVICE PROVIDER ENDORSEMENT; DEFINING INTERIM SECONDARY SERVICE PROVIDER; PROVIDING PROCEDURES FOR REQUESTING INTERIM SECONDARY SERVICE ENDORSEMENT; PROVIDING AN EXCEPTION TO TERM AND ASSIGNABILITY OF CERTIFICATES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, adopted the Palm Beach County Emergency Medical Services Ordinance of 1996; and

WHEREAS, Chapter 401, Florida Statutes, authorizes the Board of County Commissioners of Palm Beach County to provide and maintain for the citizens of said County standards which ensure their health, welfare and well being; and

WHEREAS, since the enactment of the Emergency Medical Services Ordinance of 1996, several security companies have received requests to provide non-transport advanced life support for gated communities; and

WHEREAS, the Board of County Commissioners of Palm Beach County recognizes that the public health and safety of the residents of the County will best be served by enacting legislation to accomplish the needs and desires of gated communities.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1.

Section 13-17 of the Palm Beach County Code is amended to include paragraph GG. as follows:

1 DEFINITIONS.

2 GG. "Interim Secondary Service Provider" means the agency
3 designated by the Board to provide Interim Secondary Service within
4 gated communities which request to have such services at costs
5 borne by the requesting gated communities.

6 Section 2.

7 Section 13-19 of the Palm Beach County Code is hereby amended
8 to read:

9 A. Palm Beach County shall issue Certificates of Public
10 Convenience and Necessity titled "EMS Certificates". Every person,
11 firm, corporation, association, or governmental entity owning or
12 acting as an agent for the owner of any business or service,
13 wishing to respond to emergency and medical calls, which furnishes,
14 operates, conducts, maintains, advertises, engages in, proposes to
15 engage in, or professes to engage in the business or service of
16 providing Advanced Life Support transportation, Advanced Life
17 Support, Basic Life Support, Basic Life Support transportation
18 service, Interim Secondary Service Provider, inter-facility
19 transfer, inter-hospital or Air Ambulance services, must obtain an
20 EMS Certificate. Due to the standards established by this
21 Ordinance, no "EMS Certificates" shall issue with a BLS
22 Endorsement.

23 G. Agencies which intend to provide Interim Secondary
24 Service must apply for, and obtain, an "Interim Secondary Service
25 Provider - Non-Transport Only" (Name of Community) Endorsement to
26 their respective Certificate of Public Convenience and Necessity.

27 Section 3.

28 Section 13-20(d) of the Palm Beach County Code is hereby
29 amended to read:

30 (d) Applications for certificates shall be accepted only
31 during the time specified in the public notice, however
32 applications for Interim Secondary Service Provider Certificates
33 from security companies shall be accepted at any time after the

1 requirements of this section and the following requirements have
2 been met:

- 3 a. The affected community submits a letter of request
4 for this type service, prepared and signed by an
5 authorized representative of said community.
- 6 b. A Memorandum of Understanding is executed between
7 the applicant and the Primary Certificate of Public
8 Convenience and Necessity holder.
- 9 c. The applicant verifies adoption and use of the
10 Uniform countywide ALS protocols.
- 11 d. Common medical direction is assured through the
12 applicant's medical director actively participating
13 in the Palm Beach County Medical Directors
14 Association.
- 15 e. Two-way communications is provided between the
16 Primary and Interim Secondary Service Provider,
17 through a means specified by the primary provider.
18 The cost of such communication system shall be the
19 sole responsibility of the Interim Secondary
20 Service Provider.
- 21 f. Incident documentation shall be consistent with the
22 primary provider and shall be made available to the
23 primary provider, upon request.
- 24 g. The applicant verifies compliance with Chapter 401,
25 Florida Statute and Florida Administrative Code
26 Chapter 64E-2 with respect to equipment required
27 for ALS non-transport vehicles.

28 Section 4.

29 Section 13-22(b) of the Palm Beach County Code is hereby
30 amended to read:

31 (b) At the hearing, the Board shall receive the report of the
32 Administrator, report of the EMS Council, testimony from the
33 applicant(s) or any other interested party, and any other relevant

1 information. For all Certificates, the Board will consider the
2 public's convenience and the necessity for the service in the
3 District or Area requested. The Board will consider whether the
4 applicant has the ability to provide the necessary service based
5 upon the criteria set forth in this Ordinance and Chapter 401,
6 Florida Statutes. The Board shall also consider the
7 recommendations of any municipality or municipalities applying for
8 a Certificate of affected by the issuance of a Certificate. For
9 Interim Secondary Provider Certificates, the Board shall consider
10 the request by an authorized representative of the community.

11 **Section 5.**

12 Section 13-23 of the Palm Beach County Code is hereby amended
13 as follows:

14 **TERM AND ASSIGNABILITY OF CERTIFICATES.**

15 Certificates of public convenience and necessity granted by
16 the Board pursuant to this Ordinance shall be valid for four (4)
17 calendar years. All Certificates shall be personal to the
18 applicant and may, with the approval of the Board of County
19 Commissioners at a public hearing, be assigned or transferred,
20 contingent upon the completion of requirements set forth in this
21 Ordinance including, but not limited to, Section 13-21. All EMS
22 Certificate Holders within the County shall be provided with
23 notice, at least ten (10) days prior, of any Public Hearing
24 regarding the assignment or transfer of a Certificate.

25 **EXCEPTION:**

26 A certificate issued to an Interim Secondary Service Provider
27 shall expire upon notification by the affected community.

28 **Section 6. REPEAL OF LAWS IN CONFLICT.**

29 All local laws and ordinances in conflict with any provisions
30 of this Ordinance are hereby repealed to the extent of such
31 conflict.

32 **Section 7. SEVERABILITY.**

33 If any section, paragraph, sentence, clause, phrase, or word
34 of this Ordinance is for any reason held by the Court to be

1 unconstitutional, inoperative, or void, such holding shall not
2 affect the remainder of this Ordinance.

3 **Section 8. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

4 The provisions of this Ordinance shall become and be made a
5 part of the Code of Laws and Ordinances of Palm Beach County,
6 Florida. The sections of this Ordinance may be renumbered or
7 relettered to accomplish such, and the word "ordinance" may be
8 changed to "section", "article", or other appropriate word.

9 **SECTION 9. PENALTY.**

10 Any person convicted of violating any portion of this
11 Ordinance shall be punishable as provided by law.

12 **SECTION 10. SAVINGS CLAUSE.**

13 Except as otherwise hereby expressly amended, all other
14 provisions of this Ordinance as originally enacted and amended are
15 specifically preserved and remain in full force and effect.

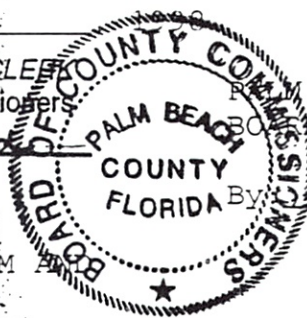
16 **SECTION 11. EFFECTIVE DATE.**

17 The provisions of this Ordinance shall become effective upon
18 filing with the Department of State.

19 APPROVED and ADOPTED by the Board of County Commissioners of
20 Palm Beach County, Florida, on this the 21 day of
21 July

22 DOROTHY H. WILKEN, Clerk
23 Board of County Commissioners

24 By Mickie Warden
25 DEPUTY CLERK



26 PALM BEACH COUNTY, FLORIDA, BY ITS
27 BOARD OF COUNTY COMMISSIONERS

28 By Maudie Ford Lee
29 ~~XXXXXXXX~~ Vice-Chair

30 APPROVED AS TO FORM AND
31 LEGAL SUFFICIENCY

32 By: Dawn H.
County Attorney

30 EFFECTIVE DATE: Filed with the Department of State on the
31 28th day of July, 1998.

ARTICLE II. EMERGENCY MEDICAL SERVICES*

DIVISION 1. GENERALLY

Sec. 13-16. Authority and purpose.

This division is promulgated pursuant to Chapter 401, Florida Statutes. The purpose of this division is to promote the health, safety, and welfare of residents of the county in need of emergency medical services by establishing standards for issuing certificates of public convenience and necessity for advanced life support transportation services, advanced life support services, and air ambulance services and by providing for the adoption of rules and regulations governing the districts, areas, and operation of the services as described herein.
(Ord. No. 96-16, § 2, 5-7-96)

Sec. 13-17. Definitions.

Administrator means the county administrator or his designee.

Advanced life support or *ALS* means treatment of life-threatening medical emergencies through the use of techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, and cardiac defibrillation by a person qualified in accordance with Chapter 401, Florida Statutes.

Advanced life support service means any person, firm, corporation, association, or governmental entity owning or acting as an agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, en-

gages in, proposes to engage in, or professes to engage in the business or service of providing advanced life support.

Advanced life support (ALS) transportation service means any person, firm, corporation, association, or governmental entity owning or acting as an agent for the owner of any business or service which furnishes; operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of responding to medical or emergency medical calls with ambulances and which is endorsed by the County to routinely transport patients.

Air ambulance means any aircraft used for, or intended to be used for, air transportation of sick or injured persons requiring or likely to require medical attention during transport.

Air ambulance service means any person, firm, corporation, association, or governmental entity owning or acting as an agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of responding to medical or emergency medical calls with air ambulances.

Ambulance means any land, air or water vehicle that is designed, constructed, reconstructed, maintained, equipped or operated and is used for or intended to be used for air, land, or water ALS and BLS transportation of sick or injured persons requiring or likely to require medical attention or emergency medical attention.

Area means a geographical division of the county that is clearly defined by distinct borders and/or municipal boundaries within which a primary provider will provide services.

Basic life support or *BLS* means treatment of medical emergencies by a qualified person through the use of techniques such as patient assessment, cardiopulmonary resuscitation (CPR), splinting, obstetrical assistance, bandaging, administration of oxygen, application of medical antishock trousers, administration of a subcutaneous injection using a premeasured autoinjector of epinephrine to a person suffering an anaphylactic reaction, and other techniques described in the Emergency

*Editor's note—Ord. No. 96-16, adopted May 17, 1996, amended the Code by repealing Ord. No. 87-27, adopted November 24, 1987, from which §§ 13-16, 13-17, 13-19—13-26 and 13-41—13-50 derived. Ord. No. 96-16 then added new provisions to replace the repealed sections. The editor has designated said new section as §§ 13-16, 13-17, and 13-19—13-34.

Cross reference—Emergency rescue and stabilization services, app. G, § 12-21 et seq.

State law references—Home rule powers of chartered counties, Fla. Const., art. VIII, § 1(g); Florida Emergency and Nonemergency Medical Services Act, F.S. § 401.21 et seq.

Medical Technician Basic Training Course Curriculum of the United States Department of Transportation.

Basic life support service means any emergency medical service which only uses BLS techniques.

Board means the board of county commissioners of Palm Beach County, Florida.

Certificate holder means any person, firm, corporation, association, or governmental entity owning or acting as an agent for the owner of any business or service which has been issued a certificate of public convenience and necessity by the county.

Certificate of public convenience and necessity or *certificate* or *EMS certificate* means a certificate with endorsements issued by the board of county commissioners of the county, deeming it to be in the public convenience and necessity for the named advanced life support transportation service, advanced life support service, or air ambulance service to operate within the confines of the county, as authorized in Section 401.25, Florida Statutes.

County means the incorporated and unincorporated areas of Palm Beach County, Florida.

Emergency medical call means any request for the immediate and prompt dispatch of an ambulance or vehicle for the purpose of providing immediate medical assistance or transportation of a sick, injured or otherwise incapacitated patient.

Emergency medical services council or *EMS council* means the agency appointed by the board of county commissioners to advise and provide comment on matters relating to emergency medical services within the county.

Endorsement means the type(s) of service a certificate holder is authorized to provide and the respective area(s) or district(s) in which it may provide said service, as shown on an EMS certificate issued by the board.

Evacuation means the withdrawal and transport of ill or incapacitated persons who reside in threatened areas and require transportation, to

or from a board-established shelter, utilizing ambulances, when required by the board due to a local state of emergency.

Inter-facility transfer means the transportation of a patient requiring an ambulance, as licensed under Chapter 401, Florida Statutes, between two (2) facilities licensed under Chapter 395, Florida Statutes, or Chapter 401, Florida Statutes.

MedCom means the Palm Beach County Medical Communications Center.

Medical call means any request for medical assistance or transportation which does not require the immediate or prompt dispatch of an ambulance or vehicle, or any situation which does not require the immediate or prompt provision of medical assistance or transportation.

Medical control means direct physician supervision through two-way voice communication or through established written standing orders.

Medical director means a Florida-licensed physician who shall become an active member of the Palm Beach County EMS council's medical director's standing subcommittee and is employed or contracted to provide medical supervision for the daily operations and training of advanced life support transportation services, advanced life support services, or air ambulance services, as defined in Chapter 10D-66.0505 (F.A.C.).

Medical director's standing subcommittee means a perennial subcommittee of the EMS council comprised of medical directors of ALS transportation services, ALS services, or air ambulance services.

Patient means any person who requires, or may require, medical assistance and/or transportation.

Permit means the adhesive decal issued by the county to an ALS transportation service, ALS service, or air ambulance service, and which must be affixed to a vehicle or ambulance authorized by the administrator to operate in the county. No vehicle or ambulance shall operate in the county without obtaining said permit.

Primary provider means the agency designated by the board to provide advanced life support emergency medical services and/or transport within the area stated upon their COPCN.

Response time means the time beginning when a certificate holder's dispatch center receives a call requesting emergency response to the time an ambulance or vehicle of the certificate holder arrives at the reported address of the emergency.

Secondary provider means the agency designated by the board to provide secondary advanced life support or basic life support emergency medical services and/or transport within a geographically defined district.

Secondary provider district or *district* means a geographical division of the county that is clearly defined by distinct borders within which a secondary provider will provide service.

Transfer means the transportation of a patient by ambulance as a result of a request for response to a medical call.

Vehicle means any vehicle which is staffed and equipped to provide advanced life support and basic life support treatment, but not used for transport.
(Ord. No. 96-16, § 3, 5-7-96)

Sec. 13-18. Territorial applicability.

This article applies in both the incorporated and unincorporated areas of the county.
(Ord. No. 88-22, § 3, 11-8-83)

Sec. 13-19. Certificate and endorsements required.

(a) The county shall issue certificates of public convenience and necessity titled "EMS certificates". Every person, firm, corporation, association, or governmental entity owning or acting as an agent for the owner of any business or service, wishing to respond to emergency and medical calls, which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of providing advanced life support transportation, advanced life support, basic life support, basic life support transportation service,

inter-facility transfer, inter-hospital or air ambulance services, must obtain an EMS certificate. Due to the standards established by this division, no "EMS certificates" shall issue with a BLS endorsement.

(b) EMS agencies which intend to provide ALS and BLS response but not routine transport of patients must apply for, and obtain, an ALS endorsement to their respective certificate of public convenience and necessity.

(c) EMS agencies which intend to provide ALS and BLS response and routine transport of patients must apply for, and obtain, an ALS transport endorsement to their respective certificate of public convenience and necessity.

(d) Only non-governmental EMS agencies may provide interhospital or interfacility transfer services. Governmental agencies shall not provide interhospital or interfacility transfer services unless, based on an emergency call as defined in section 13-17 and originating from the county's emergency 9-1-1 telephone system; the patient's condition requires a response from the nearest available EMS agency. Emergency interhospital or interfacility transports shall meet the same response time requirements as an emergency medical call.

(e) Only those agencies which possess a Palm Beach County certificate of public convenience and necessity may provide advanced life support transportation, advanced life support, basic life support, basic life support transportation service, inter-facility transfer, inter-hospital transport, air ambulance services, and/or respond to medical calls in Palm Beach County, except as otherwise provided in § 401.33, Florida Statutes.

(f) Governmental entities having a public mandate to provide emergency medical services within their jurisdiction may be granted a certificate by the board and may serve said jurisdiction as the primary provider. Any governmental entity requesting a certificate of public convenience and necessity must comply with all the requirements set forth in this division including, but not limited

to, section 13-20. The endorsement(s) on the certificate shall reflect the service which is authorized by the board.

(Ord. No. 96-16, § 4, 5-7-96)

Sec. 13-20. Procedures for requesting certificate.

(a) Each applicant requesting a certificate of public convenience and necessity shall submit a copy of a completed application as required by Chapter 401, Florida Statutes, and any rules promulgated pursuant thereto. This application must also include:

- (1) Such other forms and information that the administrator may require for full and complete disclosure of information for consideration by the board of county commissioners including; but not limited to, information as to districts, areas, rate schedules, current financial statement prepared by an independent accounting firm or, in the case of a governmental unit, the funds budgeted for this service; and
- (2) The specific service endorsement sought and area or district in which the applicant intends to provide the service; and
- (3) A non-refundable application fee as established by the board of county commissioners, by resolution.

(b) Public notice shall be given by the administrator no earlier than one hundred fifty (150) days and no later than one hundred twenty (120) days prior to the expiration date of all certificates of public convenience and necessity. This notice shall state that the county will be accepting applications for certificates for all districts and areas of operation within the county.

(c) Applications shall be submitted to the administrator or his designee no earlier than one hundred twenty (120) days and no later than ninety (90) days prior to the expiration date of the certificate of public convenience and necessity.

(d) Applications for certificates shall be accepted only during the time specified in the public notice.

(Ord. No. 96-16, § 5, 5-7-96)

Sec. 13-21. Investigation and review of application.

(a) Upon receipt of an application, the administrator shall review the application, conduct an investigation, and obtain verification that the applicant meets the requirements of all applicable federal, state and local laws. The investigation shall include consideration of:

- (1) The need for the proposed service in the requested area or district;
- (2) The financial information of the applicant to ensure continued service to the area or district;
- (3) The proposed rate structure as it relates to those currently charged in the county;
- (4) The applicant's assurance that it has met or can meet all federal, state and local requirements; however, said requirements must be met prior to the issuance of a certificate;
- (5) The professional and personal integrity of the applicant;
- (6) The applicant's past performance in this area or district, as well as in other jurisdictions, districts or areas;
- (7) Other information deemed relevant by the administrator.

(b) The administrator shall forward all investigative reports to the Palm Beach County emergency medical services council for its review. A copy of the administrator's report shall, concurrently, be forwarded to the applicant. After said review, the EMS council shall provide the board with its recommendations as to primary and secondary providers. Prior to the review of the applications by the EMS council, the administrator may request the board to set a date for a public hearing, as described in section 13-22, to consider the applications and the EMS council's recommendations.

(c) The applicant shall cooperate with the administrator in producing or causing to be produced any information appropriate to the investigation and report. Failure to provide any information requested by the administrator may result in rejection of the application.

(d) The administrator's report concerning the application shall be forwarded to the board for the public hearing.
(Ord. No. 96-16, § 6, 5-7-96)

Sec. 13-22. Requirement for board approval in granting a certificate of public convenience and necessity.

(a) The board shall schedule public hearings to consider all applications for certificates. The administrator shall notify all applicants and current certificate holders of the date, time, and place of the public hearing at least ten (10) days prior to said hearing. All applicants shall appear before the board at the public hearing on the same day.

(b) At the hearing, the board shall receive the report of the administrator, report of the EMS council, testimony from the applicant(s) or any other interested party, and any other relevant information. For all certificates, the board will consider the public's convenience and the necessity for the service in the district or area requested. The board will consider whether the applicant has the ability to provide the necessary service based upon the criteria set forth in this division and Chapter 401, Florida Statutes. The board shall also consider the recommendations of any municipality or municipalities applying for a certificate or affected by the issuance of a certificate.

(c) At said public hearing, after consideration of the aforementioned information, the board shall determine, based upon the criteria and guidelines of this division and Chapter 401, Florida Statutes, which agencies shall serve all or a portion of the district or area requested. The agencies determined by the board as most qualified to serve all or a portion of the district or area shall be identified as "primary" or "secondary" providers.

(d) The board shall then authorize the issuance of the certificate with such conditions, restrictions and/or endorsements as are in the public's interest or deny the application setting forth the reasons for the denial.

(1) The board of county commissioners may limit or define the extent to which a "primary" or "secondary" provider may provide service within the district or area.

(2) All certificate holders shall provide "back-up" to a primary provider if requested by MedCom, unless it will remove all coverage from its assigned area or district.

(e) Notwithstanding the procedures and substantive requirements for the issuance of a certificate, the board may grant, at its discretion, and at any time, a temporary certificate of public convenience and necessity for a period not to exceed six (6) months in order to safeguard and protect the public health, safety and welfare. This temporary certificate may be renewed.
(Ord. No. 96-16, § 7, 5-7-96)

Sec. 13-23. Term and assignability of certificates.

Certificates of public convenience and necessity granted by the board pursuant to this division shall be valid for four (4) calendar years. All certificates shall be personal to the applicant and may, with the approval of the board of county commissioners at a public hearing, be assigned or transferred, contingent upon the completion of requirements set forth in this division including, but not limited to, section 13-21. All EMS certificate holders within the county shall be provided with notice, at least ten (10) days prior, of any public hearing regarding the assignment or transfer of a certificate.
(Ord. No. 96-16, § 8, 5-7-96)

Sec. 13-24. Rights and duties granted by certificate.

(a) Acceptance of a certificate with an ALS endorsement shall obligate the applicant to:

- (1) Provide advanced life support and basic life support to the entire geographical area as stated on the certificate of public convenience and necessity;
- (2) Respond to all emergency medical calls;
- (3) When requested by MedCom, provide backup coverage to emergency medical calls in an adjoining area or district when the certificate holder for that area is unable to respond, unless it will remove all coverage from its assigned area or district;

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- (4) Abide by all requirements of this division and rules and regulations adopted by the board and all applicable federal, state and local laws;
 - (5) Provide access to the applicant's business, vehicles and ambulances for inspection by the administrator pursuant to sections 13-26, 13-30 and 13-31 of this division;
 - (6) Post, at the place of business, a copy of the fee schedule required under this division;
 - (7) Submit to the administrator any changes or any requested changes in the fee schedule at least sixty (60) days prior to the effective date of such change, and all documentation which justifies the fee change;
 - (8) Notify the administrator at least ninety (90) days prior to the termination or reduction of any service;
 - (9) Not transport patients unless the agency also carries an ALS transport endorsement;
 - (10) Perform only those services specifically authorized by its certificate endorsement(s), and abide by all restrictions, limitations, and exclusions as identified on the certificate;
 - (11) Provide the administrator with copies of updated, current records and/or data which pertain to certificate application, personnel certification, and vehicle data, within thirty (30) days of any change to said records; and
 - (12) Adopt the minimum standard pre-hospital treatment/transport protocols approved and adopted by the Palm Beach County EMS council. However, a certificate holder may implement protocols which exceed the minimum standards adopted by the EMS council.
- (b) Acceptance of a certificate with an ALS transport endorsement shall obligate the applicant to:
- (1) Provide ALS response and transportation service to the entire district or geographical area as stated on the certificate of public convenience and necessity;
 - (2) Provide coverage to an adjoining district or area, when requested to do so by MedCom for emergency medical calls when the certificate holder for that district or area is unable to respond, unless it will remove all coverage from its assigned district or area;
 - (3) Respond to all emergency medical calls unless all vehicles in service are on other emergency medical or medical calls;
 - (4) Abide by all requirements of this division and rules and regulations adopted by the board and all applicable federal, state and local laws;
 - (5) Provide access to the applicant's business, vehicles and ambulances for inspection by the administrator pursuant to sections 13-26, 13-30 and 13-31 of this division;
 - (6) Post at the place of business a copy of the fee schedule required under this division;
 - (7) Submit to the administrator any changes or any requested changes in the fee schedule at least sixty (60) days prior to the effective date of the change and all documentation which justify the fee change;
 - (8) Provide emergency medical service and patient transport at no cost to the patient when requested by the administrator or his designee because an emergency evacuation of persons from an area or district is required by a declaration of a local state of emergency by the board;
 - (9) Notify the administrator at least ninety (90) days prior to termination or reduction of any service;
 - (10) Perform only those services specifically authorized by its certificate endorsement(s), and abide by all restrictions, limitations, and exclusions as identified on the certificate;
 - (11) Provide the administrator with copies of updated, current records and/or data which pertain to certificate application, personnel certification, and vehicle data, within thirty (30) days of any change of said records; and
 - (12) Adopt the minimum standard pre-hospital treatment/transport protocols approved and

adopted by the Palm Beach County EMS council. However, a certificate holder may implement protocols which exceed the minimum standards adopted by the EMS council.

(Ord. No. 96-16, § 9, 5-7-96)

Sec. 13-25. Provision of patient outcome data.

Hospitals shall, upon request of an EMS provider agency, provide outcome data to the EMS provider agency on individual patients that were transported to said hospital by that agency for the purpose of statistical analysis by the agency's quality assurance and management/improvement program. The outcome data shall consist of admission and/or discharge diagnoses on any and all patients transported to said hospital by the requesting EMS provider agency. An EMS provider agency may not request outcome data on any patients other than those which were treated initially and/or transported by said EMS provider agency. All such requests for outcome data shall be used exclusively by the individual EMS provider agency's quality management/improvement program, and as such, are confidential and protected from discovery as specified by Florida Statutes 395.401, 401.265, and 401.425.

(Ord. No. 96-16, § 10, 5-7-96)

Sec. 13-26. Vehicle permits.

(a) Certificate holders shall be subject to random and routine inspections of their ambulances and vehicles. Ambulances and vehicles found acceptable by the administrator shall be issued a permit, in the form of an adhesive decal, which shall be affixed to the ambulance or vehicle. Permits shall be valid for one (1) year from date of issue.

(b) A fee, as established by resolution of the board of county commissioners, shall be required for each permit issued.

(c) If, during an inspection, the administrator ascertains that an ambulance or vehicle or its equipment does not comply with the standards as set forth in Chapter 401, Florida Statutes, or this division, the administrator may suspend or revoke its respective permit until the certificate

holder can establish that the ambulance or vehicle is once again in compliance. The administrator shall allow the certificate holder a maximum of thirty (30) days to comply and shall report all permit suspensions or revocations and pertinent information to the emergency medical services council.

(d) Ambulances or vehicles with suspended permits which are not brought into compliance within the time specified by the administrator, shall have its permit revoked. It shall be a violation of this division for an ambulance or vehicle with suspended or revoked permit to operate within the county.

(e) A certificate holder which has had a permit revoked must apply to the administrator for a new permit and shall pay the required fee.

(f) A certificate holder may appeal the revocation of permit by appearing before the EMS council at one of its regularly scheduled meetings. A Certificate holder seeking to appeal a permit revocation shall make said request in writing to the EMS council through the administrator. The administrator shall then advise the certificate holder of the date and time the appeal may be heard.

(g) The EMS council shall hear the appeal and vote to either uphold or rescind the revocation. All decisions of the EMS council shall be final.
(Ord. No. 96-16, § 11, 5-7-96)

Sec. 13-27. Rules and regulations.

The administrator, in consultation with the EMS council, is hereby authorized to prepare such rules and regulations necessary to carry out the purpose of this division, and shall present these rules and regulations for consideration to the board of county commissioners at a public hearing.

The board may adopt and subsequently amend rules and regulations adopted hereunder at a public hearing, provided notice of the proposed change has been presented to the EMS council and to the certificate holders for review no later than thirty (30) days prior to consideration by the board.

(Ord. No. 96-16, § 12, 5-7-96)

Sec. 13-28. General prohibition.

It shall be a violation of this division, and shall be reported to the emergency medical services council, for any person, business entity or governmental agency to:

- (1) Obstruct, bar or otherwise interfere with an inspection conducted under the purview of this division;
- (2) Make an omission of a material fact or a false statement in any application or other document filed with the administrator;
- (3) By telephone or otherwise, cause to be placed or place a false emergency medical call;
- (4) Violate or fail to observe any requirement of this division, or any rule, regulation or order under the provision of this division;
- (5) Represent herself, himself, or itself as an advanced life support transportation service, an advanced life support service, air ambulance service, or engage in the business of conducting an advanced life support transportation service, advanced life support service, basic life support transportation service, basic life support service, interfacility transfer, interhospital transport, air ambulance services, and/or respond to medical calls in the county without first obtaining an appropriate certificate of public convenience and necessity from the board as provided herein and the necessary State of Florida licenses, except as otherwise provided pursuant to § 401.33, Florida Statutes.
- (6) Operate an ambulance or vehicle that does not meet the requirements of this division; or
- (7) Obstruct, bar, or otherwise interfere with patient care.

Violations of this division shall be punishable in accordance with § 125.69, Florida Statutes. Each day of continuing violation shall be considered a separate offense.

(Ord. No. 96-16, § 13, 5-7-96)

Sec. 13-29. Deficiencies.

(a) Whenever the administrator determines, by inspection or otherwise, that a certificate holder

is not in compliance with requirement under this division or its rules and regulations, Chapter 401, Florida Statutes, Rule 10D-66 (F.A.C.) or any other applicable law, the Administrator shall order the certificate holder to correct such deficiency.

(b) Every such correction order, whether verbal or written, shall include a statement of the deficiencies found, the period prescribed within which a deficiency must be corrected, and the provision of the law relied upon. The affected certificate holder may file a written request with the administrator for reconsideration of the order or any portion thereof, within five (5) calendar days of the receipt of such order. Failure of the administrator to respond to the certificate holder's written request for reconsideration within seven (7) calendar days of receipt shall void the correction order. All information shall be forwarded to the emergency medical services council.

(Ord. No. 96-16, § 14, 5-7-96)

Sec. 13-30. Complaint procedure.

(a) All complaints filed against a certificate holder shall be reviewed. The certificate holder who is the subject of said complaint shall be immediately notified of same. The administrator may designate a committee to conduct this review. The findings of said committee will be submitted to the Administrator. If this review substantially verifies that a violation of this division or any applicable law has occurred, the administrator may conduct an investigation. The administrator shall be provided access to the certificate holder's business records for inspection to assist in said investigation. Upon completion of the investigation, the administrator may present his/her recommendation to the emergency medical services council for their review and recommendation prior to submittal to the county commissioners.

(b) If the administrator or emergency medical services council finds through an investigation that revocation, suspension, or modification of a certificate is warranted, the administrator shall notify the certificate holder by certified mail, and the board of county commissioners in writing, of such investigative findings. This notice shall state

the reasons for any finding and establish a public hearing date. The public hearing shall be held by the board of county commissioners for the purpose of considering the administrator's investigation and recommendation. The administrator shall forward the public hearing results to the state EMS office.

(Ord. No. 96-16, § 15, 5-7-96)

Sec. 13-31. Certification revocation, modification, suspension.

(a) Every certificate issued pursuant to this division is subject to revocation, modification or suspension where it is found that:

- (1) The certificate holder has failed or neglected to adhere to this division or the rules and regulations promulgated by the board, Chapter 401, Florida Statutes and any other applicable law; or
- (2) The application submitted to secure a certificate of public convenience and necessity from the board of county commissioners contains a false representation or omitted material facts; or
- (3) The certificate holder, or its agent, has demanded money or other compensation in excess of that established in its schedule of fees filed with the board pursuant to this division; or
- (4) The certificate holder has failed to comply with a correction order issued under section 13-29 of this division; or
- (5) The certificate holder has been adjudicated guilty of a felony, unless the certificate holder's civil rights have been restored; or
- (6) The certificate holder has been found guilty, by a court of competent jurisdiction, of any criminal offense involving moral turpitude; or
- (7) The certificate holder has committed malpractice or negligence in the operation of its service; or
- (8) The certificate holder has had their/its state license revoked or suspended.

(b) The EMS council shall review and make recommendation to the board of county commissioners regarding certificates subject to revocation, modification, or suspension. The board of county commissioners may either accept or reject the recommendation of the EMS council.

(Ord. No. 96-16, § 16, 5-7-96)

Sec. 13-32. Emergency powers.

If a situation exists which poses a serious or imminent threat to the health, safety, welfare, or public need and convenience, the administrator shall have such temporary emergency powers as are necessary to remedy the situation.

(Ord. No. 96-16, § 17, 5-7-96)

Sec. 13-33. Exclusion from certificate or permit requirement.

Certificates or permits shall not be required for:

- (1) The transport of a patient or passenger pursuant to the Good Samaritan Act, Chapter 768.13, Florida Statutes;
- (2) Ambulances based outside the county which pick up a patient outside the county and transport them into the county, or which pick up a patient inside the county and transport them out of the county;
- (3) All vehicles which serve primarily as administrative vehicles;
- (4) Those vehicles and services identified in Chapter 401.33, Florida Statutes;
- (5) Vehicles or ambulances providing mutual or automatic aid to a district or area when the district or area's permitted vehicles or ambulances are unable to respond, or when the patient's condition necessitates immediate transportation as identified in the minimum standard pre-hospital treatment protocols as approved and adopted by the Palm Beach County EMS council, or as confirmed by medical control; or
- (6) Vehicles or ambulances from another county which respond when requested through an officially executed mutual aid agreement.

(Ord. No. 96-16, § 18, 5-7-96)

Sec. 13-34. Penalties.

A violation of any provision of this division shall be prosecuted in the same manner as a misdemeanor pursuant to Section 125.69, Florida Statutes, and, upon conviction, the violator shall be subject to a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment in the county jail for not more than sixty (60) days, or both such fine and imprisonment. Each day that a violation continues shall be considered a separate offense. (Ord. No. 96-16, § 19, 5-7-96)

Secs. 13-35—13-40. Reserved.

DIVISION 2. RESERVED

Secs. 13-41—13-55. Reserved.

DIVISION 3. COUNTY EMERGENCY TRANSPORT FEES*

Sec. 13-56. Title.

This division shall be known as and may be cited as the "Palm Beach County Emergency Transport Fee Ordinance". (Ord. No. 94-20, § 1, 8-16-94)

Sec. 13-57. Definitions.

For the purposes of this division, the following definitions shall apply:

(a) *Basic life support services* include the provision of treatment services, or the use of consumable or disposable supplies which does not rise to the level of the provision of advanced life support services. BLS is services rendered to patients which do not require invasive techniques, which include, but are not limited to, simple bandaging, minor splinting, and simple immobilization.

(b) *Advanced life support services* means the treatment of life-threatening emergencies through the use of techniques such as endotracheal intuba-

tion, the administration of intravenous fluids, medications, telemetry, cardiac monitoring, cardiac defibrillation, and the use of external pace-makers by a qualified paramedic. (Ord. No. 94-20, § 2, 8-16-94)

Sec. 13-58. Emergency transport fees and service charges.

(a) There are hereby established certain emergency transport fees and charges. A fee shall be imposed for the provision of basic life support services (BLS) transport and for the provision of advanced life support services (ALS) transport, and a service charge shall be imposed for mileage and oxygen.

(b) The following fees and service charges are to be imposed:

(1) BLS Transport Fee	\$210.00
(2) ALS Transport fee	310.00
(3) Mileage	7.00 per mile

(c) The county administrator shall establish a method of billing and collecting all fees and charges. (Ord. No. 94-20, § 3, 8-16-94; Ord. No. 95-3, § 1, 3-7-95; Ord. No. 95-48, § 1, 11-21-95; Ord. No. 96-48, § 1, 11-19-96)

Secs. 13-59—13-65. Reserved.

ARTICLE III. FOOD SERVICE CONTROL†

Sec. 13-66. Purpose.

The purpose of this article is to protect the health, safety and general welfare of the consuming public in food establishments in the county. (Ord. No. 75-4, § 2, 3-25-75; Ord. No. 87-21, Pt. 2, 9-29-87)

†State law reference—Home rule powers of chartered counties, Fla. Const., Art. VIII, § 1(g).

*Editor's note—Nonamendatory Ord. No. 94-20, §§ 1—4, adopted Aug. 16, 1994, has been included herein as a new Div. 3 to Art. II, §§ 13-56—13-59, at the discretion of the editor.

Cross reference—Fire/Rescue municipal service taxing units, § 26-51 et seq.



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**Palm Beach County
Board of County
Commissioners**

Burt Aaronson, Chairman
Maude Ford Lee, Vice Chair
Karen T. Marcus
Carol A. Roberts
Warren H. Newell
Mary McCarty
Ken L. Foster

County Administrator
Robert Weisman, PE

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ATTACHMENT 3

May 28, 1998

Mr. Burt Aaronson, Chairman
and Members,
Board of County Commissioners

Dear Commissioners:

At our meeting of May 21, 1998, the Palm Beach County EMS Advisory Council voted unanimously to recommend that you, the board of County Commissioners, approve an ordinance amending the Palm Beach County EMS Ordinance, No. 96-16.

This amendment will enable "interim secondary service providers" which provide security as well as ALS non-transport within private communities, the opportunity to apply for a COPCN at any given time, once they've contracted with a community and met the requirements of the ordinance

Currently, the existing four-year COPCN and application period precludes them from doing so. The council agrees that this amendment will allow these services to play an important role in providing ALS, first-response in their respective communities and will enhance the safety and well being of the residents of those communities.

Respectfully yours,

Albert Howe, Chairman
EMS Advisory council

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 5-21-98
DATED at West Palm Beach, FL on 8-17-98
DOROTHY H. WILKEN, Clerk